

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:16-cr-45-SPC-MRM

KEMAR ANDRE ANTONIO
ENGLAND

OPINION AND ORDER¹

Before the Court is Defendant Kemer Andre Antonio England's pro se Emergency Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(C)(1)(A). ([Doc. 51](#)). Because Defendant's motion has too many procedural problems for the Court to overlook, the motion is denied without prejudice.

Nearly five years ago, the Court sentenced Defendant to 87 months' imprisonment for a drug conspiracy. ([Doc. 46](#)). He now asks the Court to reduce his sentence to time served and to place him on home confinement because his health conditions like obesity, diabetes, and hypertension make him vulnerable to serious injury or death should he contract the COVID-19 virus. But here's what's incorrect about the motion.

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

First, Defendant has filed the motion pro se, and not through his attorney. Defendant hired Bradford Cohen to represent him here, and he remains Defendant's counsel of record. (Doc. 11). This means that Defendant can appear through his lawyer only. See Local Rule 2.02(b)(3) ("If a lawyer represents a person in an action, the person can appear through the lawyer only.").

Second, even setting aside Defendant having filed the motion pro se, the motion is too long. [Local Rule 3.01\(a\)](#) requires a motion not to exceed 25 pages in length without the Court's permission otherwise. Defendant has filed a 57-page motion without the Court's leave.

Third, Defendant titled the motion as an "emergency," but has neither explained "the nature of the exigency" nor stated that "the day by which a ruling is requested" as [Local Rule 3.01\(e\)](#) requires. As best the Court can tell, Defendant wants an expedited ruling because he fears contracting the COVID-19 virus. But he mentions no direct exposure to, exhibiting symptoms of, or testing positive for the virus. He also admits to being vaccinated against the virus. ([Doc. 51 at 39](#)). The Court thus does not consider Defendant's motion to be a true emergency to require an expedited response from the Government or ruling from the undersigned.

Accordingly, it is now

ORDERED:

(1) Defendant Kemer England's pro se Emergency Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(C)(1)(A) ([Doc. 51](#)) is **DENIED without prejudice**.

(2) The Clerk is **DIRECTED** to send a copy of this Order and Defendant's motion (Doc. 51) to Bradford Cohen, Esq. at his address of record.

DONE AND ORDERED in Fort Myers, Florida on September 20, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record